

AO 91 (Rev. 11/11) Criminal Complaint

SEALEDU.S. DISTRICT COURT
NORTHERN DISTRICT OF TEXAS**FILED****UNITED STATES DISTRICT COURT**

for the

Northern District of Texas

DEC 26 2018

CLERK, U.S. DISTRICT COURT

By

Deputy

United States of America

v.

Ramon Reyes, Jr.

Case No.

3:18-MJ-861 BK

*Defendant(s)***CRIMINAL COMPLAINT**

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of November 4, 2018 in the county of Dallas in the
Northern District of Texas, the defendant(s) violated:*Code Section**Offense Description*

18 U.S.C. Section 2252A(a)(1)

Transportation of Child Pornography

This criminal complaint is based on these facts:

On or about November 4, 2018, the defendant knowingly transported or shipped child pornography using any means or facility of interstate or foreign commerce or in or affecting interstate or foreign commerce by any means, including by computer, in violation of 18 U.S.C. Section 2252A(a)(1). See Attached Affidavit of Special Agent Jennifer Mullican which is incorporated and made a part hereof by reference.

☒ Continued on the attached sheet.

Sworn to before me and signed in my presence.

Date:

12/26/2018

City and state:

Dallas, Texas*Complainant's signature*

FBI Special Agent Jennifer Mullican

*Printed name and title**Judge's signature*

U.S. Magistrate Judge Renee Harris Tolliver

Printed name and title

AFFIDAVIT

I, Jennifer Mullican, a Special Agent (SA) with the Federal Bureau of Investigation (FBI), being duly sworn, depose and state the following:

INTRODUCTION

1. I have been a Special Agent with the FBI since October 2003. During my time as a Special Agent, I have investigated cases involving public corruption, white-collar crimes, and violent crimes. I am currently assigned to the FBI's Child Exploitation Task Force, in the Dallas Division. As a FBI Special Agent, I am authorized to investigate violations relating to child exploitation and child pornography, including the production, transportation, receipt, distribution, and possession of child pornography, in violation of 18 U.S.C. §§ 2251 and 2252A, as well as the enticement and coercion of minors, in violation of 18 U.S.C. § 2422(b), and sex trafficking of children by force, fraud, or coercion, in violation of 18 U.S.C. §§ 1591 and 1594. I have gained experience in conducting these investigations through training and through everyday work, including executing search warrants and interviewing individuals who sexually exploit minors and who possess and trade child pornography. I have also received training relating to the Innocent Images National Initiative, which includes training in the investigation and enforcement of federal child pornography laws in which computers and other digital media are used as a means for receiving, transmitting, and storing child pornography.

2. As a federal agent, I am authorized to investigate violations of United States laws and to execute warrants issued under the authority of the United States.

During such investigations, I have observed and reviewed numerous examples of child pornography (as defined in 18 U.S.C. § 2256) in all forms of media, including computer media. I have been involved in numerous child pornography investigations and am very familiar with the tactics used by child pornography offenders who collect and distribute child pornographic material.

3. The statements contained in this affidavit are based on information provided by FBI Special Agents and members of the Grand Prairie, Texas Police Department; written reports about this and other investigations that I have received, directly or indirectly, from other law enforcement agents; information gathered from the service of administrative subpoenas; the results of physical and electronic surveillance conducted by law enforcement agents; independent investigation and analysis by FBI agents/analysts and computer forensic professionals; and my experience, training and background as a Special Agent with the FBI. Since this affidavit is being submitted for the limited purpose of securing an arrest warrant, I have not included each and every fact known to me concerning this investigation. Instead, I have set forth only the facts that I believe are necessary to establish probable cause to believe that Ramon Reyes Jr., did knowingly commit the offenses described herein.

4. This affidavit is submitted in support of a criminal complaint charging Ramon Reyes Jr., while in the Northern District of Texas and elsewhere, with violating 18 U.S.C. § 2252A(a)(1), transportation of child pornography.

OVERVIEW OF INVESTIGATION

5. On or about December 12, 2018, I received information from Detective Brandon Poor, Grand Prairie Police Department, Internet Crimes Against Children (ICAC) Unit, regarding Ramon Reyes Jr., a Registered Sex Offender with the State of Texas, who was reported by SmugMug-Flickr¹ to the National Center For Missing and Exploited Children (NCMEC) via CyberTipline Report, number 42944606, for the upload of video files depicting child pornography.

6. Specifically, the NCMEC CyberTipline Report detailed that on or about November 4, 2018, between 7:55 p.m. (UTC) and 7:59 p.m. (UTC), eight video files were uploaded via Flickr (www.flickr.com) from the user account of “Ramon Reyes” with associated electronic mail account bluesexplosion29@live.com, alternate electronic mail account bluesexplosion29@yahoo.com, and from Internet Protocol (IP) address 97.99.139.242. NCMEC reported the associated IP address resolved to Internet Service Provider Spectrum. NCMEC processed the above information from Flickr and made the information available to law enforcement on or about December 6, 2018.

¹ Flickr was previously a Yahoo! affiliated company that offered online photo management that allowed users to upload, access, organize, edit, and share their photos from any device and from anywhere in the world. Flickr users registered for the application upon providing their first and last name, an email address, and created a password, among other information. Once registered, Flickr offered the user 1000GB of free photo storage. Flickr was purchased by SmugMug who advertise on their website that no changes would be made as Flickr would continue to operate as it had been prior to SmugMug’s acquisition.

7. Subsequent to the receipt of the NCMEC CyberTipline Report, Detective Poor reviewed the eight video files uploaded to Flickr and noted approximately three files clearly depicted child pornography and the other video files depicted individuals whose ages were difficult to determine. Then, Detective Poor conducted a database search of the email address “bluesexplosion29@live.com.” This email address was associated on the search site with a “Maria Reyes” who had a familial connection to a “Ramon Reyes Jr” (hereafter referred to as “Reyes”), with both individuals associated with the address 2117 Aggie Drive, Dallas County, Grand Prairie, TX 75051. Detective Poor also reviewed a Facebook account for “Ramon Reyes” and observed an image with the notation for “Jon Spencer Blues Explosion” over the photo.

8. Thereafter, on or about December 8, 2018, Detective Poor issued an administrative subpoena to Spectrum/Charter Communications to obtain electronic communications records pertaining to IP address 97.99.139.242 utilized on November 4, 2018, at 7:57 p.m. (UTC).

9. Simultaneous with Detective Poor’s issuance of an administrative subpoena, he communicated with Detective Nathan Coomer, GPPD Sex Offender Unit, regarding the sex offender verification status of Reyes. Detective Coomer confirmed Reyes’ Texas sex offender status resulted from a prior conviction for aggravated sexual assault of a 13-year-old male. On October 24, 2018, Detective Coomer verified Reyes to be an occupant of 2117 Aggie Drive, Grand Prairie, TX. On this same date, Detective Coomer also confirmed Reyes reported he was the user of electronic mail accounts

bluesexplosion29@live.com and bluesexplosion29@yahoo.com along with his Flickr Internet identification information of “Blues Explosion 291.”

10. On December 10, 2018, a representative from Charter responded to the request for electronic communications records. Charter responded that during the time the investigation was conducted and the files uploaded; IP Address 97.99.139.242 was assigned to a female account holder registered at 2117 Aggie Drive, Grand Prairie, TX 75051. The account had been assigned to this account holder since on or about May 22, 2018, and was current through the date of legal process.

11. Upon receipt of the above information, on or about December 17, 2018, Detective Poor applied for and obtained a State of Texas search warrant for Reyes’ residence, 2117 Aggie Drive, Grand Prairie, Dallas County, TX 75051, signed by the Honorable Judge Brandon Birmingham, 292nd Judicial District Court. On December 18, 2018, Detective Poor, your Affiant, and other members of law enforcement executed the search warrant upon Reyes’ residence. Reyes and other family members were present at the residence when the search warrant was executed.

12. While the residence was being searched, Reyes was advised of his *Miranda* rights and Reyes acknowledged he understood his rights and agreed to speak with investigators.

13. During the subsequent conversation, Reyes confirmed that he utilized the application Flickr on his cellular device and that he is the user of the electronic mail accounts bluesexplosion29@live.com and bluesexplosion29@hotmail.com. Reyes

admitted to using Flickr to upload various non-nude images depicting his niece, however Reyes stated he was unaware that Flickr would automatically upload video files from his cellular device.

14. After being shown still images of the video files depicting child pornography that were uploaded to his Flickr account, Reyes identified the still images as files he likely observed in Dropbox links that Reyes and a “friend” had been searching for and viewing online. Reyes described the still images shown to him as child pornography and detailed the image as an “over-aged and under-age young person approximately five or six years old giving fellacio or head.” Reyes estimated he last viewed these files in or around October 2018.

15. However, Reyes told investigators they would not locate the Flickr videos on his cellular device and stated if the files were ever on his phone it was because the video file could not be viewed via his web browser. Reyes stated that he opened the Dropbox links and viewed the folders/files contained within the link. If Reyes could not play the video through the link/browser then Reyes would download the file to his phone in order to watch the video.

16. Additionally, Reyes admitted to communicating in person and via text messaging with his friend “J.E.,²” an individual Reyes identified as having been molested when he was a minor. Reyes told investigators that he previously shared Dropbox links

² The identity of J.E. is known to law enforcement and is redacted due to the ongoing investigation.

containing child pornography with J.E. when J.E. last visited his residence in or around July 2018. Later, J.E. asked for all the Dropbox and Mega links Reyes had located that contained child pornography.

17. Reyes reiterated that J.E. asked for and Reyes shared with J.E. Dropbox links that contained child pornography. J.E. asked Reyes for any files or links Reyes possessed depicting six-year-old males. Reyes did not believe J.E. wanted the links to “get off on them,” but rather that J.E. wanted to close the Dropbox links that contained such video files. Reyes and J.E. searched for the Dropbox links because J.E. did not like the links anywhere on the Internet. Reyes confirmed he found and shared Dropbox links containing child pornography and he shared the links with J.E. at J.E.’s request.

18. Also, Reyes admitted to masturbating to child pornography with J.E. before they travelled to San Francisco together in June 2016. Reyes again masturbated to child pornography with J.E. in or around July 2018. Reyes initially stated that he and J.E. were not viewing child pornography at the time they engaged in masturbation but rather the two were only talking about child pornography. Later, Reyes admitted to watching and attempting to masturbate to the child pornography files but Reyes was “desensitized” to what he was watching and was not turned on by files and could not obtain an erection.

19. Reyes denied communicating with anyone on-line who shared links with him that contained child pornography. Reyes described that user accounts existed on Instagram named “Dropbox Links” and various users would be sharing links containing

child pornography on these accounts. These users would ask for links and if you shared a link then they would give you more links in return. Reyes confirmed it was “tit for tat” that you had to share links in order to receive Dropbox links from other users in these accounts.

20. Further, Reyes admitted to searching the Internet for files depicting child pornography. Specifically, Reyes would use the search term “uncle prepubescent” along with the term “azov films” on Instagram or Tumblr to locate Dropbox links that contain child pornography. He also used various words contained within the titles of the child pornography files he viewed as search terms to find similar video files.

21. As he continued communicating with investigators, Reyes stated that he did not know looking for child pornography online was a crime but Reyes was aware finding child pornography online and possessing child pornography was a crime. During their last communication, Reyes told J.E. he was sad that they were apart and Reyes told J.E. he was going to look for “boy links” online. J.E. told Reyes to let him know what he found and to share any links with him that Reyes had not previously sent. Reyes stated he was not searching for boy links for sexual gratification and he did not want to sound like a pedophile or minimize the situation. Reyes denied having a sexual interest in prepubescent males.

22. Lastly, Reyes was unable to confirm if images and videos of child pornography would be located on his cellular telephone as Reyes regularly deleted the

files from his device. Reyes estimated he only maintained the files on his device for approximately three days.

23. Concurrent with your Affiant's interview of Reyes, law enforcement attempted to conduct a forensic on-scene preview of Reyes' cellular device but was unsuccessful. Thereafter, on or about December 19, 2018, and pursuant to the original search warrant, Detective Poor successfully extracted the contents of Reyes' Samsung Galaxy S8 cellular telephone.

24. Subsequently, I have reviewed the contents of Reyes' Samsung cellular telephone and I observed multiple files depicting child pornography. The following are descriptions of video files observed by your Affiant that were discovered on Reyes' cellular telephone and matched video files associated with the NCMEC CyberTipline report on Reyes' Flickr account:

| File Name | File Description |
|-------------------------|---|
| VID-20181128-WA0059.mp4 | This video file depicts a nude prepubescent male who is on his back on a bed covered with a white blanket. A nude adult male can also be observed in the video. The nude adult male positions the nude prepubescent male on the bed and then penetrates the anus of the prepubescent male with his erect penis. |
| VID-20181128-WA0060.mp4 | This video file depicts two nude prepubescent males where one prepubescent male is lying on his back on a couch with his feet elevated and his legs spread. After placing what appears to be a lubricating substance in the anus of the first prepubescent male, the second nude prepubescent male penetrates the anus of the first prepubescent male with his erect penis. |

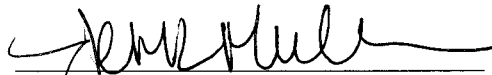
25. Based on my training and experience, the files described in the above

paragraphs and transported by Reyes to his Flickr account utilizing his Samsung cellular telephone constitute child pornography, as defined by 18 U.S.C. § 2256(8).

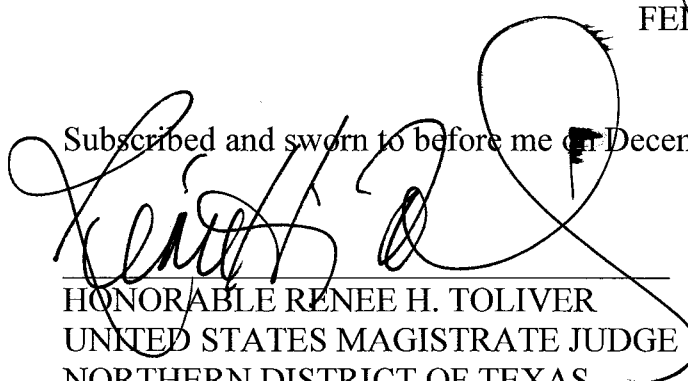
Additionally, I am aware that Samsung cellular telephones are not manufactured in Texas, and, therefore, traveled in interstate and foreign commerce. Also, I am aware that the Flickr application utilizes the Internet to send and receive image and video files.

CONCLUSION

26. Based upon the aforementioned, I respectfully submit that there is probable cause to believe that Ramon Reyes Jr., transported child pornography, in violation of 18 U.S.C. § 2252A(a)(1). In consideration of the above, I therefore respectfully request the Court issue a warrant authorizing the arrest of Ramon Reyes Jr. for the violation described herein.



JENNIFER MULLICAN
SPECIAL AGENT
FEDERAL BUREAU OF INVESTIGATION



Subscribed and sworn to before me on December 26, 2018.

HONORABLE RENEE H. TOLIVER
UNITED STATES MAGISTRATE JUDGE
NORTHERN DISTRICT OF TEXAS